

WISCONSIN SUPREME COURT

TABLE OF PENDING CASES

Clerk of Supreme Court
Telephone: (608) 266-1880
Facsimile: (608) 267-0640
Web Site: www.wicourts.gov
Wisconsin Supreme Court Case Access: <http://wscca.wicourts.gov>

The following table describes pending cases the Supreme Court has accepted on petition for review, bypass, certification and original jurisdiction.

The cases included for the first time (that is, the most recently accepted cases) are marked with an * next to the case number. After the Supreme Court decides a case, the date of oral argument or date of submission on briefs is replaced with the date of the Supreme Court decision and abbreviated mandate. That mandate will generally be listed in the table for two months and then the case will be removed from the table.

The information in the table, from left to right, is as follows:

- the case number;
- an abbreviated caption of the case (case name);
- a statement of the issue(s);
- the date the Supreme Court accepted the case;
- the method by which the case came to the Supreme Court: REVW = Petition for review, CERT = Certification, CERQ = Certified Question, BYPA = Petition to bypass, ORIG = Original Action, WRIT = Petition for supervisory writ, REMD = Remanded from the U.S. Supreme Court;
- the date of oral argument or submission on briefs; or the date of the Supreme Court decision and an abbreviated mandate;
- the Court of Appeals district from which the case came, if applicable; the county;
- the date of the Court of Appeals decision, if applicable;
- whether the Court of Appeals decision is published or unpublished, and, if it is published, the citations to the public domain citation and the official reports for the Court of Appeals decision.

The statement of the issue is cursory and does not purport to be an all-inclusive, precise statement of the issues in the case. Readers interested in a case should determine the precise nature of the issues from the record and briefs filed with the Supreme Court.

The following table covers cases accepted and decisions issued through **September 20, 2011**. Please direct any comments regarding this table to the Clerk of Supreme Court, P.O. Box 1688, Madison, WI 53701-1688, telephone (608)266-1880.

APPENDIX

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| Case No. | Caption/Issue(s) | SC Accepted | CA Dist/Cty | CA Decision |
|---------------|---|--|------------------|---|
| 2008AP1830 | <u>MBS-Certified Public Accountants, LLC v. Wisconsin Bell Inc.</u> Does the voluntary payment doctrine bar a plaintiff from seeking damages under Wis. Stat. §§ 100.18, 100.207 and §§ 946.80 – 946.88 where the legislature created private rights of action for damages from prohibited billing practices? Must individuals pay illegal charges or fees “under protest” to preserve the right to bring a statutory claim for damages where the legislature did not include a protest requirement in the statutes? Is there an exception to the voluntary payment doctrine (See <u>Putnam v. Time Warner Cable of Se. Wis.</u> , 2002 WI 108, 255 Wis. 2d 447, 649 N.W.2d 626 and <u>Butcher v. Ameritech Corp.</u> , 2007 WI App 5, 298 Wis. 2d 468, 727 N.W.2d 546) that prevents alleged violators of Wis. Stat. §§ 100.18, 100.207 and §§ 946.80 – 946.88 from asserting the doctrine? | 03/16/2011 REVW Oral Arg 09/16/2011 | 1 Milwaukee | 09/29/2010 Unpub |
| 2008AP1972 | <u>Thomas W. Jandre v. Physicians Insurance Company of Wisconsin</u> Does Wis. Stat. § 448.30 (patient informed consent) require a physician to advise a patient about tests and treatments for possible alternative health problems which are unrelated to the diagnosed condition? (See <u>Scaria v. St. Paul Fire & Marine Insurance Co.</u> , 68 Wis. 2d 1, 227 N.W.2d 647 (1975), <u>Martin v. Richards</u> , 192 Wis. 2d 156, 531 N.W.2d 70 (1995) and <u>Bubb v. Brusky</u> , 2009 WI 91, 321 Wis. 2d 1, 768 N.W.2d 903). | 03/16/2011 REVW Oral Arg 09/16/2011 | 2 Fond du Lac | 10/27/2010 2010 WI App 136 330 Wis. 2d 50 792 N.W.2d 558 |
| 2008AP2759-CR | <u>State v. Daniel H. Hanson</u> Whether a driver of a vehicle can be convicted of attempting to elude a law enforcement officer under Wis. Stat. § 346.04(3) while on a cell phone with a 911 intake dispatcher and driving to a police station. Whether an officer is a “victim” (See <u>State v. Haase</u> , 2006 WI App 86, 293 Wis. 2d 322, 716 N.W.2d 526) in the context of an “eluding an officer” offense such that the charged offender may present victim character evidence under Wis. Stat. § 904.04(1)(b) at trial. | 02/08/2011 REVW Oral Arg 09/06/2011 | 2 Kenosha | 11/17/2010 Pub 2010 WI App 146 ___ Wis. 2d ___ 792 N.W.2d 203 |

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| 2009AP608 | <u>John Adams, et al. v. State of Wisconsin</u> Does the Livestock Facility Siting Law (Wis. Stat. § 93.90) prohibit a local government from imposing conditions in a Conditional Use Permit (CUP) for a Confined Animal Feedlot Operation (CAFO) for water quality monitoring and compliance with state water quality standards? Was the Department of Agriculture, Trade and Consumer Protection given the power by the legislature to revoke local zoning authority to protect surface and groundwater resources by omitting state water quality standards as a “performance standard” in the administrative rule (Wis. Admin. Code § ATCP 51) for the siting and expansion of CAFOs? Is there a legal distinction between a local zoning authority's licensing or “siting” of a CAFO and its “regulation” of the facility for compliance with state water quality standards? Does the Livestock Facility Siting Review Board have authority to remove conditions of a CUP that requires compliance with state water quality standards and the means to monitor compliance? Did the state siting board exceed its authority in modifying the Town's permit rather than reversing it entirely? Even if a town must satisfy the prerequisites in Wis. Stat. § 93.90(3)(ar) prior to imposing conditions on a siting permit, may those conditions refer to and monitor compliance with state standards? | 02/11/2011 REVW Oral Arg 09/07/2011 | 4 Rock | 07/28/2010 Pub 2010 WI App 88 327 Wis. 2d 676 787 N.W.2d 941 |
| 2009AP1505-CR | <u>State v. Harry Thompson</u> Whether the failure to inform Thompson of the applicable mandatory minimum sentence of 25 years of incarceration prior to trial violated Thompson's constitutional due process rights. Whether the complaint in this case was defective under Wis. Stat. § 970.02(1)(a) because it did not state the applicable mandatory minimum sentence, therefore entitling Thompson to a new trial. Whether the court of appeals exceeded its authority and neglected to adhere to prior precedent when it decided issues of ineffective assistance of counsel. | REVW 05/25/2011 Oral Arg 10/05/2011 | 4 Wood | Unpub |

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| 2009AP1557 | <u>260 North 12th Street, LLC v. State of Wisconsin Department of Transportation</u> Whether there is a risk of double taking implicating due process violations in situations where the state reduces the just compensation award by contamination remediation estimates, while leaving open the potential for penalty assessments against the property owner for remediation costs under other regulations. | 03/16/2011 REVW Oral Arg 09/16/2011 | 1 Milwaukee | 10/27/2010 Pub 2010 WI App 138 329 Wis. 2d 748 792 N.W.2d 572 |
| 2009AP1579 | <u>State v. Edwin Clarence West</u> Does 2005 Wis. Act 434 § 118 (codified at Wis. Stats. § 980.08 (4) (cg)) shift the burden of proof at a supervised release hearing under Chapter 980 to the civilly-committed respondent? | 01/11/2011 REVW Affirmed 07/26/2011 2011 WI 83 | 1 Milwaukee | Unpub |
| 2009AP1643-CR | <u>State v. William Dinkins, Sr.</u> Whether a soon-to-be-released prison inmate could be convicted for failing to comply with the address reporting requirement of Wis. Stat. § 301.45 (2) (a) 5 when he allegedly did not have an address at least 10 days prior to his release from prison. | 03/16/2011 REVW Oral Arg 09/06/2011 | 4 Dodge | 12/14/2010 Pub 2010 WI App 163 |
| 2009AP2057-CR | <u>State v. David W. Stevens</u> If a suspect in custody initiates communication with the police after previously invoking his <u>Miranda</u> right to consult with an attorney but has yet to again waive his <u>Miranda</u> rights, do the police violate the demands of <u>Miranda</u> by denying an attorney access to the suspect prior to the second waiver of his <u>Miranda</u> rights? Does the Wisconsin supreme court's decision in <u>Blum v. 1st Auto & Cas. Ins. Co.</u> , 2010 WI 78, 326 Wis. 2d 729, 786 N.W.2d 78, mean that the court of appeals' decision in <u>State v. Middleton</u> , 135 Wis. 2d 297, 399 N.W.2d 917 (Ct. App. 1986) has no precedential value whatsoever because that case was overruled in <u>State v. Anson</u> , 2005 WI 96, 282 Wis. 2d 629, 698 N.W.2d 776? | 05/24/2011 REVW Oral Arg 10/07/2011 | 2 Waukesha | Unpub |

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| *2009AP2099 | <u>Admiral Ins. Co. v. Paper Converting Machine Co.</u> Whether the March 26, 2009, judgment was final for purposes of appeal when it lacked the <u>Wambolt v. West Bend Mutual Ins. Co.</u> , 2007 WI 35, 299 Wis. 2d 723, 728 N.W.2d 670 language and the prevailing party, which had asserted counterclaim for attorney fees, asked the court not to enter a final judgment until the attorney fee issue was resolved. If an insured submits a claim that would not be covered due to the known loss doctrine, and the insurer agrees to settle before learning the insured was aware of the claim when it purchased insurance, is the insurer bound by its oral agreement to settle the claim? Whether, as an excess insurer, it is entitled to reimbursement of its contribution to settle the underlying lawsuit, if Admiral, as the primary insurer, is awarded reimbursement. | 09/13/2011 REVW | 3 Outagamie | Unpub |
| 2009AP2176 | <u>Dawn L. Maxwell v. Hartford Union High School District</u> Does a policy of insurance contain actual coverage for amounts due under a performance contract and for lost salary and benefits, triggering a duty to indemnify for such amounts? Does Wisconsin law recognize an exception permitting the application of _stoppels and waiver to create insurance coverage where none exists in the policy when, in the absence of bad faith or a breach of the duty to defend, an insurer provides a defense to an insured but does not issue a reservation of rights letter? If Wisconsin law recognizes the above exception, is prejudice to the insured present as a matter of law, or must an insured prove actual conflict of interest or other harm as a result of the insurer's provision of the defense? When the element of waiver or equitable _stoppels are met as a matter of law, must the court of appeals remand for the circuit court to exercise its discretion in deciding whether to apply the doctrines? If Wisconsin law recognizes the exception identified above, should the exception have retroactive application? | 02/08/2011 REVW Oral Arg 09/14/2011 | 2 Washington | 09/29/2010 Pub 2010 WI App 128 329 Wis. 2d 654 791 N.W.2d 195 |

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| 2009AP2385 | <u>Todd Olson v. Robert Farrar</u> What is the scope of review when an insurer provides its insured with an initial defense pursuant to a reservation of rights, moves to intervene, bifurcate and stay the coverage issues from the issues on the merits, and seeks a judicial declaration that the insurer owes no duty to defend nor indemnify? Whether the property damage resulted from "a utility, boat, camp or mobile home trailer" and the "trailer" was attached to a motor vehicle. Whether coverage is precluded by an exclusion in the policy concerning property used by or in the care of the insured. | 04/12/2011 REVW Oral Arg 10/06/2011 | 4 Monroe | 12/14/2010 Pub 2010 WI App 165 330 Wis. 2d 611 794 N.W.2d 245 |
| 2009AP2422-CR | <u>State v. David W. Domke</u> Whether defendant's counsel performed deficiently at trial under Strickland v. Washington, 466 U.S. 668 (1984) when he believed that testimony of a therapist was admissible over a hearsay objection and was not aware that the exception for medical diagnosis or treatment in Wis. Stat. § 908.03(4) does not apply to a social worker. See <u>State v. Huntington</u> , 216 Wis. 2d 671, 695, 575 N.W.2d 268 (1998). Did a defendant suffer prejudice under <u>Strickland</u> from the cumulative effect of trial counsel's decision to call the victim's mother as a witness and his failure to seek exclusion of a therapist's testimony under <u>Huntington</u> ? | 02/08/2011 REVW Oral Arg 09/14/2011 | 3 Oconto | Unpub |
| 2009AP2549 | <u>Robert Johnson v. Cintas Corporation</u> Whether the default judgment was void because the summons and complaint named the wrong corporate defendant, meaning personal jurisdiction was never obtained over the correct corporate entity. | 05/25/2011 REVW Oral Arg 11/01/2011 | 2 Kenosha | 01/31/2011 Pub 2011 WI App 5 331 Wis. 2d 51 794 N.W.2d 475 |
| *2009AP2752 | <u>Michelle Wadzinski v. Auto-Owners Insurance Company</u> Whether a third-party umbrella policy is ambiguous such that it should be construed in favor of providing supplemental uninsured motorist (UM) coverage to the named insured. | 09/13/2011 REVW | 3 Brown | 04/20/2011 Pub. 2011 WI App 47, 332 Wis. 2d 379, 797 N.W.2d 910 |

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| 2009AP2768 | <u>Joel Hirschhorn v. Auto-Owners Insurance Company</u> Does a standard pollution exclusion in a homeowner's insurance policy apply to exclude coverage for a loss caused by an odor emanating from an accumulation of bat guano so severe the house needed to be demolished? Does the standard pollution exclusion in a homeowner's insurance policy apply to pollutants that result from natural processes or is the exclusion limited to industrial waste? | 03/16/2011 REVW Oral Arg 10/05/2011 | 3 Oneida | 11/17/2010 Pub 2010 WI App 154 330 Wis. 2d 232 792 N.W.2d 639 |
| 2009AP2795 | <u>Jaymie A. Gister, et al. v. American Family Mutual Ins. Co., et al.</u> Whether a charitable hospital that is legally required to provide emergency medical services to all patients, including the uninsured, may enforce a hospital lien (Wis. Stat. § 779.80) on a Medicaid recipient's personal injury settlement from the tortfeasor as an alternative to billing Medicaid. Whether the hospital is forbidden from billing the patient because the patient was eligible for public medical assistance (<u>See</u> Wis. Stat. § 49.49 (3m)) and, therefore, the patient does not owe a debt to the hospital that could be subject to a lien under Wis. Stat. § 779.80. | 03/16/2011 REVW Oral Arg 10/07/2011 | 4 Dane | 12/14/2010 Unpub |
| 2009AP2848 | <u>Lindy Orlowski v. State Farm Mut. Automobile Ins. Co.</u> Whether a plaintiff may recover from her own insurer under an underinsured motorist (UIM) policy the reasonable value of the medical treatments she received or the lesser amount that was actually paid by the plaintiff, her health insurer, the underinsured motorist or his insurance company. Whether the court of appeals' holding in <u>Heritage Mut. Ins. Co. v. Graser</u> , 2002 WI App 125, 254 Wis. 2d 841, 647 N.W.2d 385, that the collateral source rule is inapplicable to any claim under an underinsured motorist (UIM) policy is in conflict with the supreme court's collateral source rulings, including <u>Koffman v. Leichtfuss</u> , 2001 WI 111, 246 Wis. 2d 31, 630 N.W.2d 210, and <u>Leitinger v. DBart, Inc.</u> , 2007 WI 84, 302 Wis. 2d 110, 736 N.W.2d 1. | 08/31/2011 CERT | 1 Milwaukee | -- |
| 2009AP2907-CR | <u>State v. Joseph J. Spaeth</u> Whether compelled incriminating statements made to a probation agent as part of a standard requirement of probation under Wis. Admin. Code § DOC 328.04(2)(w) may be considered a "legitimate source wholly independent of compelled testimony" under <u>Kastigar v. United States</u> , 406 U.S. 441 (1972). | 02/08/2011 CERT Oral Arg 10/18/2011 | 2 Winnebago | |

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| 2009AP3029 | <u>Crown Castle USA, Inc. v. Orion Logistics, LLC</u> Whether Wis. Stat. § 816.03 (b) permits a supplemental proceeding against an entity which is neither a party to the action nor a judgment debtor. Whether the court has personal jurisdiction over the entity which is neither a party to the action nor a judgment debtor. | 04/12/2011 REVW Oral Arg 10/07/2011 | 3 Outagamie | 01/31/2011 Pub 2011 WI App 9 ___ Wis. 2d ___ 794 N.W.2d 272 |
| 2009AP3075 | <u>State v. Basil E. Ryan, Jr.</u> Can a defendant be found guilty under the forfeiture statutes on the grounds of judicial estoppel where the defendant claims he made no statement to a prior court? Did the undisputed facts on the record establish that if judicial estoppel had not been applied, the defendant neither owned nor controlled the barge that sunk in a navigable waterway in order to be liable under the forfeiture statutes for violations of Wis. Stat. ch. 30? If judicial estoppel had not been applied, is there a dispute as to material fact[s] that precludes summary judgment as to whether the defendant owned or controlled the barge to be liable under the forfeiture statutes? Can the summary judgment procedure be employed to find a defendant liable under the forfeiture statutes for violations of Wis. Stat. ch. 30? | 05/24/2011 REVW Oral Arg 11/01/2011 | 1 Milwaukee | 02/16/2011 Pub 2011 WI App 21 331 Wis. 2d 491 796 N.W.2d 23 |
| 2010AP177 | <u>Suzanne R. May v. Michael T. May</u> Whether an agreement to an unmodifiable child support floor for 33 months violates public policy (Cf. <u>Jalovec v. Jalovec</u> , 2007 WI App 206, 305 Wis. 2d 467, 739 N.W.2d 834 and <u>Frisch v. Henrichs</u> , 2007 WI 102, ¶74 n.23, 304 Wis. 2d 1, 736 N.W.2d 85). | 04/13/2011 CERT Oral Arg 10/06/2011 | 4 Dane | -- |
| 2010AP208 | <u>Aurora Consolidated Health Care v. LIRC</u> Whether worker compensation statutes, Wis. Stat. §§ 102.17 (1) (g) and (d) 1, require a hearing to rebut through cross-examination a medical expert's report. | 08/31/2011 REVW | 1 Milwaukee | 12/14/2010 Pub 2010 WI App 173 330 Wis. 2d 804 794 N.W.2d 520 |

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|--------------|---|--|---------------|--|
| 2010AP232-AC | <u>State v. Abbott Laboratories, et al.</u> Was the state entitled to a jury trial under Wis. Stat. §§ 100.18 and 49.49? Was the jury required to speculate in determining damages? Was the trial court within its authority to reduce the number of Wis. Stat. § 49.49 (4m) (a) 2. violations found by the jury? | 06/15/2011 CERT Oral Arg 11/09/2011 | 4 Dane | -- |
| 2010AP346-CR | <u>State v. Devin W. Felix</u> Under Wis. Const. art. I, § 11, which case governs an attenuation analysis following an in-home warrantless arrest in an alleged violation of <u>Payton v. New York</u> , 445 U.S. 573 (1980): the rule announced in <u>New York v. Harris</u> , 495 U.S. 14 (1990) or the three-factor test of <u>Brown v. Illinois</u> , 422 U.S. 590 (1975)? Assuming that <u>Brown's</u> attenuation analysis applies, were the defendant's statements to police at the station, the buccal swabs he voluntarily provided, and the clothes police obtained from the defendant at the county jail suppressible as fruits of his warrantless in-home arrest? | 06/16/2011 REVW Oral Arg 11/09/2011 | 3 Marathon | Unpub |
| 2010AP355 | <u>Heritage Farms, Inc., et al. v. Markel Insurance Company, et al.</u> Whether Wis. Stat. § 26.21 (1) creates a presumptive double damage award once there is a finding that damage occurred through willfulness, malice or negligence. | 04/12/2011 REVW Oral Arg 11/01/2011 | 4 Portage | 01/31/2011 Pub 2011 WI App 12 ___ Wis. 2d ___ 793 N.W.2d 896 |
| 2010AP387-CR | <u>In the Matter of Sanctions Imposed in State v. Gregory K. Nielsen</u> Does the court of appeals' practice of summarily imposing monetary sanctions in its written decisions violate due process? Does the court of appeals' practice of summarily imposing monetary sanctions in its written decisions for perceived attorney professional ethics infractions violate due process and impermissibly supplant procedures established by the supreme court for resolving professional ethics issues? Is Wis. Stat. Rule 809.19 (2) Appendix, unconstitutionally vague on its face or as applied for purposes of imposing monetary sanctions? | 04/12/2011 REVW Oral Arg 10/06/2011 | 2 Racine | Unpub |

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| 2010AP445-CR | <u>State v. Sharon A. Sellhausen</u> Must a circuit court judge <u>sua sponte</u> remove an immediate family member from a panel of potential jurors? If a circuit court judge does not <u>sua sponte</u> remove an immediate family member from a panel of potential jurors, is the defendant entitled to a new trial if the family member did not sit on the jury but the defendant exercised a peremptory strike to remove the family member? | 02/08/2011 REVW Oral Arg 09/07/2011 | 2 Sheboygan | 12/14/2010 Pub 2010 WI App 175 |
| 2010AP594/ 2010AP1155 | <u>State v. Carl Cornelius Gilbert, Jr.</u> <u>State v. Price T. Hunt</u> Whether the state may bring a Wis. Stat. ch. 980 commitment petition to judgment when the respondent is in the exclusive custody of the Department of Corrections (DOC), such that the mandate of a commitment judgment – assumption of the respondent's custody by the Department of Health Services (DHS) for control, care and treatment until no longer sexually violent under Wis. Stat. § 980.06 – cannot be effectuated. Whether incarceration of a DOC prisoner under a civil commitment outside DHS auspices violates state and federal constitutional rights to due process. Whether a petition for commitment under Wis. Stat. ch. 980 should be dismissed when, while the petition is pending, the respondent is returned to the custody of the DOC. | 08/31/2011 REVW | 1 Milwaukee | 05/26/2011 Pub 2011 WI App 61 333 Wis. 2d 157 798 N.W.2d 889 |
| 2010AP772-CR | <u>State v. Carl L. Dowdy</u> Do circuit courts have authority under Wis. Stat. § 973.09 (3) (a) to reduce the length of probation? Do circuit courts have inherent authority to reduce the length of probation? If a circuit court has inherent authority to reduce the length of probation, what standard of review applies? | 03/16/2011 REVW Oral Arg 09/07/2011 | 1 Milwaukee | 11/17/2010 Pub 2010 WI App 158 ____ Wis. 2d ____ 792 N.W.2d 230 |
| *2010AP784 | <u>State v. Tyler T.</u> Whether a prosecutor may participate, <u>ex parte</u> , in a waiver (into adult court) investigation report staff meeting (<u>See</u> Wis. Stat. §§ 938.18(2m) and 972.15). | 09/12/2011 REVW | 2 Walworth | Unpub |

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| 2010AP826 | <u>Marco A. Marquez v. Mercedes-Benz USA, LLC</u> What is the proper burden of proof to be applied to an allegation of intentional bad faith on the part of a consumer in a lemon law action under Wis. Stat. § 218.0171, an ordinary burden of proof or a middle burden of proof? | 05/24/2011 CERT Oral Arg 11/08/2011 | 2 Waukesha | -- |
| 2010AP1113-CR | <u>State v. Jason E. Goss</u> Whether Wis. Stat. § 343.303, which carries a prohibited alcohol concentration of 0.02%, applies to subject a motorist with four prior OWI convictions to a preliminary breath screening test based on a lower level of evidence supporting probable cause. | 04/12/2011 REVV Oral Arg 10/05/2011 | 3 Eau Claire | Unpub |
| 2010AP1142 | <u>State v. Glen D. Nordberg</u> Whether the court of appeals' decision in <u>State v. Rachel</u> , 2010 WI App 60, 324 Wis. 2d 441, 782 N.W.2d 443, erroneously places the burden of persuasion on the committed patient to satisfy the criteria in Wis. Stat. § 980.08(4)(cg) for granting supervised release from a Chapter 980 commitment. Whether requiring a committed individual to satisfy the criteria for supervised release under Wis. Stat. § 980.08(4)(cg) by clear and convincing evidence is too onerous a burden. | 03/18/2011 BYPA Affirmed 07/26/2011 2011 WI 84 | 4 Jefferson | -- |
| 2010AP1551-CR | <u>State v. Douglas M. Williams</u> Whether circuit court commissioners have state constitutional authority to issue search warrants under Wis. Stat. § 757.69 (1) (b). | 08/31/2011 CERT | 4 Rock | -- |
| 2010AP1937-OA | <u>Wisconsin Prosperity Network, et al. v. Gordon Myse, et al.</u> Whether Wis. Admin. Code § GAB 1.28 violates constitutional guarantees of free speech. | 11/30/2010 ORIG Oral Arg 09/06/2011 | 4 Dane | -- |
| 2010AP2061 | <u>Fond du Lac County v. Helen E. F.</u> Whether Alzheimer's dementia, with its associated behavioral disturbances, constitutes a mental illness within the meaning of Wis. Stat. § 51.01 (13) (b). Whether the administration of psychotropic medication intended to alleviate behavioral disturbances associated with Alzheimer's dementia constitutes treatment within the meaning of Wis. Stat. § 51.01 (17). | 08/31/2011 REVV | 2 Fond du Lac | 06/13/2011 Pub 2011 WI App 72 333 Wis. 2d 740 798 N.W.2d 707 |

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|---------------|--|--|------------------|-------------|
| 2010AP2273-CR | <u>State v. Jon Anthony Soto</u> Whether a defendant's statutory right to be physically present during the plea hearing was violated when the court conducted the hearing through video teleconferencing. Whether the issue was properly preserved for appeal. | 06/15/2011 CERT Oral Arg 11/08/2011 | 3 Trempealeau | -- |
| 2010AP2298 | <u>Payday Loan Store of Wisconsin, Inc. v. Jessica Mount</u> Whether annualized interest rates in excess of a thousand percent per year for a short-term loan are per se unconscionable under the Wisconsin Consumer Act (WCA), Wis. Stat. § 425.107. Does the WCA preclude a determination that a particular interest rate is unconscionable? If it does not, what is the legal standard to apply and what type of evidence is necessary to establish unconscionability? | 08/31/2011 CERT | 4 La Crosse | -- |
| 2010AP2398 | <u>Loran B. Zwiefelhofer v. Town of Cooks Valley</u> What is the test for determining whether a town's ordinance constitutes either a zoning ordinance that must be approved by a county board before becoming valid under Wis. Stat. § 60.62 (3) or an ordinance that is enacted under the town's general police powers? | 08/31/2011 CERT | 3 Chippewa | -- |
| 2011AP987 | <u>Ted Nickel v. United States of America, et al.</u> Does Wisconsin Supreme Court Rule (SCR) 23.02 (2) require a Department of Justice attorney, if not licensed to practice law in Wisconsin, to follow the procedures for appearing <u>pro hac vice</u> in Wisconsin courts, or do the exceptions in SCR 23.02 (h) or (n) for "[a]ctivities which are preempted by federal law" or employees of "[g]overnmental agencies . . . carrying out responsibilities provided by law" render inapplicable the exception for <u>pro hac vice</u> admission? Does 28 U.S.C. § 517, by virtue of the Supremacy Clause of the United States Constitution, preempt any Wisconsin law that would otherwise require a Department of Justice attorney, not licensed to practice in Wisconsin, to follow the procedures for appearing <u>pro hac vice</u> in Wisconsin courts? | 08/31/2011 REVW | 4 Dane | Unpub |

NOTE: The statement of the issue is cursory and does not purport to be an all-inclusive, precise statement of the issues in the case. Readers interested in a case should determine the precise nature of the issues from the record and briefs filed with the Supreme Court.